

### Summary of Mitigation Measures

To minimize potential serious injury to marine mammals and to limit incidental harassment to the lowest practical level, NMFS will require Exxon to: (1) Ramp up airguns to operating levels at a rate not to exceed 6 dB/min. from 160 dB to operating level at the start of operations or testing, when beginning a new trackline, or any time after the array is powered down below 160 dB; (2) immediately power down the array to a level below 160 dB whenever a marine mammal is observed entering either the 500-ft (152.4 m) safety zone for pinnipeds and odontocetes or the 1,476 ft (450 m) safety zone for mysticetes; (3) if marine mammals are observed within these safety zones, powering up the array above 160 dB must be delayed until all marine mammals are given the opportunity to leave the safety zone; and (4) ensure that the seismic survey's acoustical sounds do not impede the southbound migration of the gray whale. To accomplish this latter mitigation measure, Exxon will be required to notify NMFS if the survey continues after December 15, 1995, in order for an NMFS biologist to board an Exxon vessel to observe gray whale behavior, and to determine if a more than negligible impact on gray whale migration is occurring. At any time the NMFS biologist can no longer make a negligible impact determination for gray whales, Exxon will be required to either terminate the survey or move to an area of the SYU where a negligible impact determination can again be made. In addition, no incidental harassment takings will be authorized after December 31, 1995.

### Monitoring

NMFS will require that the holder of the Incidental Harassment Authorization monitor the impact of seismic activities on the marine mammal populations within the SYU. Monitoring will be conducted by one or more NMFS-approved observers during all daylight hours using Big Eye binoculars and whenever the array is being powered up. At all times, but specifically during routine nighttime surveys when an observer need only be on standby, the crew is to be instructed to keep watch for marine mammals. If any are sighted, the watch-stander is to immediately notify the NMFS-approved observer. If the marine mammal is within the safety zone, the acoustic source must be immediately powered down. To facilitate nighttime sightings within the safety zones, high intensity

lighting will be installed and used to light up these zones.

Visual monitoring will commence a minimum of 30 minutes prior to the estimated time that the array will reach the 160 dB SPL after being turned on and/or powered up. Monitoring will consist of noting the numbers and species of all marine mammals seen within the 2.84 nm (5.2 km) ZOI, their behavior whenever the seismic source is off (speed, direction, submergence time, respiration etc) and any behavioral responses or modifications of these indicators due either to the seismic array or vessel. A report on this monitoring program will be required to be submitted daily by radio, cellular telephone, or fax to NMFS and within 90 days of completion of the survey. In addition, NMFS will require Exxon, as part of the authorization, to undertake additional observations or measurements, or both, necessary to determine the acoustic properties of the seismic source and the impacts of seismic activities on marine mammals. These may include aerial observations and acoustic recordings of marine mammal vocalizations and are subject to the approval of NMFS prior to initiating the survey.

### Consultation

Under section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.), NMFS has completed consultation on the issuance of this authorization. Based on the best available information, NMFS concludes that the authorization to harass small numbers of cetaceans from conducting a 3-D seismic survey in the SYU under section 101(a)(5)(D) of the MMPA is not likely to jeopardize the continued existence of any listed species. The short-term impact from conducting these surveys may result in a temporary modification in behavior of certain listed and non-listed whale species. While temporary behavioral modifications may be made by these species of cetaceans to avoid seismic noise, this behavioral change is expected to have only a negligible impact on the animals.

### Conclusions

Since NMFS is assured that the taking will not result in more than the incidental harassment (as defined by the MMPA Amendments of 1994) of small numbers of mysticete cetaceans, sperm whales, and possibly pygmy sperm whales; would have only a negligible impact on these cetacean stocks; will not have an unmitigable adverse impact on the availability of these stocks for subsistence uses; and would result in the least practicable impact on the

stocks, NMFS has determined that the requirements of section 101(a)(5)(D) have been met and the authorization can be issued.

For the above reasons, NMFS has issued an incidental harassment authorization for the period ending December 31, 1995, for a 3-D seismic survey within the SYU provided the above mentioned monitoring and reporting requirements are incorporated.

Dated: October 11, 1995.

Patricia A. Montanio,  
*Acting Director, Office of Protected Resources,*  
*National Marine Fisheries Service.*

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### Monterey Bay National Marine Sanctuary Advisory Council; Meetings

**AGENCY:** Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Monterey Bay National Marine Sanctuary Advisory Council Open Meeting.

**SUMMARY:** The Advisory Council was established in December 1993 to advise NOAA's Sanctuaries and Reserves Division regarding the management of the Monterey Bay National Marine Sanctuary. The Advisory Council was convened under the National Marine Sanctuaries Act.

**TIME AND PLACE:** Friday, October 27, 1995, from 8:30 until 4:30. The meeting will be held at the Moss Landing Chamber of Commerce, 8045 Moss Landing Road, Moss Landing, California.

**AGENDA:** General issues related to the Monterey Bay National Marine Sanctuary are expected to be discussed, including an update from the Sanctuary Manager, reports from the working groups, an update on the Sanctuary license plate marketing program, and discussions about enforcement of Sanctuary regulations and strategic planning for the Advisory Council.

**PUBLIC PARTICIPATION:** The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Jane Delay at (408) 647-4246 or Elizabeth Moore at (301) 713-3141.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program

Dated: October 11, 1995.

David L. Evans,

*Acting Deputy Assistant Administrator for  
Ocean Services and Coastal Zone  
Management.*

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[I.D. 091595A]

### **Gulf of Mexico Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a change to a public meeting.

**SUMMARY:** The data and location for the October 18, 1995 meeting of the Gulf of Mexico Fishery Management Council's (Council) Law Enforcement Advisory Panel has changed.

**DATES:** The meeting will be held on October 25, 1995.

**ADDRESSES:** The meeting will be held at the Mobile Convention and Civic Center, 64 Water Street, Mobile, AL; telephone: (334) 438-4000.

**FOR FURTHER INFORMATION CONTACT:** Terrance Leary, telephone: 813-228-2815.

**SUPPLEMENTARY INFORMATION:** The Council's Law Enforcement Advisory Panel meeting, originally scheduled for October 18, as published on September 28, 1995 (60 FR 50185), has been changed to October 25, 1995. The time of the meeting remains the same.

All other information as printed in the previous publication remains unchanged.

Dated: October 13, 1995.

Richard H. Schaefer,

*Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-25864 Filed 10-13-95; 3:38 pm]

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[I.D. 100595A]

### **Marine Mammals and Endangered Species; Permits**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of a Scientific Research Permit (P557E).

**SUMMARY:** Notice is hereby given that the Scripps Institution of Oceanography, Institute for Geophysics and Planetary

Physics (Dr. Christopher W. Clark, Principal Investigator), 9500 Gilman Drive, La Jolla, California 92093-0225, has been issued a permit to take (harass) several species of marine mammals and sea turtles for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment, in the following offices:

Permits Division, Office of Protected Resources, National Marine Fisheries Service, East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Director, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213 (310/980-4016); and

Coordinator, Pacific Area Office, Southwest Region, NMFS, 2570 Dole Street, Room 106, Honolulu, HI 96822-2396 (808/955-8831).

**SUPPLEMENTARY INFORMATION:** On May 31, 1995, notice was published in the Federal Register (60 FR 23890) that the above-named applicant had submitted a request for a scientific research permit to take (harass) several species of marine mammals and sea turtles over a 2-year period, during sound transmission studies in the waters offshore Kauai, Hawaii. The requested permit has been issued, under the authority of the Marine Mammal Protection Act of 1972 (MMPA) as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing endangered species permits (50 CFR parts 217-227).

Issuance of this Permit as required by the ESA of 1973 was based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in Section 2 of the ESA.

Dated: October 6, 1995.

Ann D. Terbush,

*Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 95-25642 Filed 10-16-95; 8:45 am]

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### **COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

#### **Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh**

October 11, 1995.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.

**EFFECTIVE DATE:** October 11, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

#### **SUPPLEMENTARY INFORMATION:**

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, carryforward and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 5371, published on January 27, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

October 11, 1995.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive